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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,992	11/14/2001	William Phelan	29804/36569A	9063

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ART UNIT	PAPER NUMBER
3694	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	09/993,992	PHELAN ET AL.
	Examiner	Art Unit	
	Jamie H. Swartz	3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on <u>29 August 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) <u>7-33</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-6 and 34</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Status

1.   This action is in response to the amendment filed on August 29, 2007. Claims 1-

6 and 34 are pending. Claims 7-33 are withdrawn. Claims 1 and 3 are amended. Claim

34 is new.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-6 have been considered but are

moot in view of the new ground(s) of rejection. Also, Examiner notes that, as per MPEP

§ 2144.03(C), the statements of Official Notice made in the art rejection have been

established as admitted prior art since Applicant has not traversed the Examiner's

assertions of Official Notice. More specifically, the following statements of Official

Notice are now formally established on record as admitted prior art: Official Notice is

taken that the *scrubbing routine* was old and well known in the art of at the time of the

invention. Official Notice is taken that total number of times a customer had an overdue

payment is commonly tracked on a credit history since punctuality of payment in the

past shows how responsible an individual is with their money and also relates to the like

hood that they would pay back any borrowed money on time. Official Notice is taken

that lease balances are commonly tracked balances on a credit history since they

provide good credit information on people who have rented a residence. Official Notice

is taken that total current payments are commonly tracked on a credit history since they

show how much an individual owes to others which directly relates to the like hood that

they would be able to pay back any borrowed money.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claim 34 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

5.   A broad range or limitation together with a narrow range or limitation that falls

within the broad range or limitation (in the same claim) is considered indefinite, since

the resulting claim does not clearly set forth the metes and bounds of the patent

protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board

of Patent Appeals and Interferences in Ex parte Wu, 10 USPQ2d 2031, 2033 (Bd. Pat.

App. & Inter. 1989), as to where broad language is followed by "such as" and then

narrow language. The Board stated that this can render a claim indefinite by raising a

question or doubt as to whether the feature introduced by such language is (a) merely

exemplary of the remainder of the claim, and therefore not required, or (b) a required

feature of the claims. Note also, for example, the decisions of Ex parte Steigewald, 131

USPQ 74 (Bd. App. 1961); Ex parte Hall, 83 USPQ 38 (Bd. App. 1948); and Ex parte

Hasche, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 34 recites the

broad recitation obtaining payment history, and the claim also recites attempting to

retrieve historical payment history which is the narrower statement of the

range/limitation. The claim goes on to discuss if the historical payment data is retrieved.

Yet a previous part of the claim already states that the payment history was obtained.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1, 2, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Wallace et al. (WO 200011586 A) in view of Kaufman et al. (US 5991411 A).

8.   Referring to claim 1, Wallace teaches *obtaining payment history data from a*

member's accounting system (page 1, lines 9-14). Wallace teaches *wherein the*

payment history data is associated with at least a first customer (page 8, line 15-21,

page 12, line 5-15). Wallace teaches *creating a payment history file that contains the*

payment history data and loading the payment history file through the Internet to a

system database (page 1, lines 15-24 and page 5, line 11 – page 6, line 8). Wallace

teaches *evaluating the payment history data in the payment history file and formatting*

the payment history file into a payment history report (page 2, lines 1-6 and page 4,

lines 3-18). Wallace teaches *storing the payment history report in the centralized data*

repository (page 3, lines 29 – page 4, line 9). Wallace however does not specifically

teach validating payment history data against a first customer. However Kaufman

teaches *validating the payment history data by comparing the obtained history data to a*

data record associated with the first customer if the data record associated with the first

customer is present in a centralized data repository (col. 1, line 5 – col. 6, line 35).

Wallace teaches a consumer and commercial credit transaction database system

including a customer's history. Kaufman also teaches a credit database. It would have

been obvious to one of ordinary skill in the art at the time of the rejection to modify

Wallace to include the details of validating the payment history. Validating the payment

history allows for error detection. Error detection is a huge benefit to any company

allowing for time and cost savings.

9.   Referring to claim 2, Wallace teaches *creating scoring and modeling of customer*

information (page 3, lines 29 – page 4, line 9).

10.   Referring to claim 5, Wallace teaches *receiving search criteria for a customer*

(page 13, lines 1-14 and page 1, lines 7-24). Wallace teaches *searching the payment*

history data for the matching customer (page 1, lines 7-14). Wallace teaches *logging the*

search request (page 1, lines 15-24). Wallace teaches *displaying the matching*

customer data, generating a payment history report for the matching customer, and

displaying the payment history report (page 1, line 7 – page 2, line 16 and page 3, line

29 – page 4, line 18).

11.   Claims 3, 4, and 6 rejected under 35 U.S.C. 103(a) as being unpatentable over

Wallace et al. (WO 200011586 A) and Kaufman et al. (US 5991411 A), as applied to

claims 1, 2 and 5 above, in view of Wheeler et al. (US 6,795,819 B2).

Referring to claim 3, Wallace teaches obtaining, creating, loading, evaluating,

formatting, and storing payment history data. Though Wallace does not specifically

teach *opening the payment history file* it is inherent to open a file before determining the

type that it is. Wallace teaches *determining the payment history file type* (page 2, line 25

– page 3, line 6). Wallace teaches *validating the format of the payment history* file (page

7, line 8 - page 11, line 20). Wallace teaches *loading the payment history file into a*

system database (page 2, line 25 – page 4, line 18). Wallace does not teach a

scrubbing routine or performing matching routines on the payment history data.

Wheeler, however, teaches *performing a scrubbing routine on the payment history data*

(col. 8, lines 10-34). Wheeler also teaches *performing matching routines on the*

payment history data, wherein new lenders are created if no matching lender is found in

the system database, and at least one of adding or updating payment history data is in

the system database is performed if a matching lender is found in the system database

(col. 5, lines 34-56) where the retailers are analogous to lenders. Though a retailer is

not a lender per se, parallels can be drawn between a lender and a retailer. Wallace

specifically discusses a consumer and commercial credit transaction database system

(page 1, lines 3-4). Wheeler specifically discusses a database management system to

be presented with data that maintains a high level of accuracy and reliability (col. 1,

lines 16-19). Although Wheeler's invention relates more to an inventory system, when it comes to a bank or a lender, their inventory are their customer's accounts, thereby it rendering Wheeler's art as analogous to that of Wallace. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Wallace to include a data scrubber and a matching routine to insure accuracy and non-redundancy. It is important that information in a database is cleaned because inaccurate data leads to improper and costly decisions. Non-redundant data is important because when you update your database to include all companies and history this too will lead to accurate decision making. Official Notice [now admitted prior art] is taken that the *scrubbing routine* was old and well known in the art of at the time of the invention. A scrubbing routine would be done on the data *to remove suspect payment history data,* as data cleansing is the act of detecting and correcting (or removing) corrupt or inaccurate records from a record set. Customer data has always contained errors and outdated values data scrubbing procedures predate the computer.

12.   Referring to claim 4, Wallace teaches obtaining, creating, loading, evaluating, formatting, and storing payment history data. Wallace does not teach a scrubbing routine. Wheeler, however, teaches *performing a scrubbing routine on the payment history data further comprises the step of modifying the suspect payment history data based upon thresholds set by the member* (col. 8, lines 10-34). Wallace specifically discusses a consumer and commercial credit transaction database system (page 1, lines 3-4). Wheeler specifically discusses a database management system to be

presented with data that maintains a high level of accuracy and reliability (col. 1, lines 16-19). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Wallace to include a data scrubber to insure accuracy and non-redundancy. It is important that information in a database is cleaned because inaccurate data leads to improper and costly decisions. Non-redundant data is important because when you update your database to include all companies and history this too will lead to accurate decision making.

Referring to claim 6, Wallace teaches receiving search criteria, searching the payment history, logging the search request, displaying the matching customer data, generating a payment history, and displaying a payment history report. Wallace teaches computing summary and scoring information (page 3, line 29 – page 4, line 9), including a high credit value (page 4, line 4-5). Though Wallace does not specifically teach a *total lease balance* he does teach a balance (page 4, line 4), however Official Notice [now admitted prior art] is taken that lease balances are commonly tracked balances on a credit history since they provide good credit information on people who have rented a residence. Since Wallace's success relies on the accuracy of its maintained credit histories, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Wallace to specifically track total lease balances in order to more accurately score the credit of people who have a history of leasing a residence. Though Wallace does not specifically teach *total current payments* he does teach monthly payment amounts, charge off amount and date, and payment

date (page 4, lines 5-6), however Official Notice [now admitted prior art] is taken that

total current payments are commonly tracked on a credit history since they show how

much an individual owes to others which directly relates to the like hood that they would

be able to pay back any borrowed money. Total current payments provide good credit

information on the people who owe money. Since Wallace's success relies on the

accuracy of its maintained credit histories, the Examiner submits that it would have

been obvious to one of ordinary skill in the art at the time of Applicant's invention to

modify Wallace to specifically track total current payments in order to more accurately

score the credit of people who have current payments. Though Wallace does not

specifically teach a *total number of times a customer had an overdue payment* he does

teach when items are past due (page 4, line 4), however Official Notice is taken [now

admitted prior art] that total number of times a customer had an overdue payment is

commonly tracked on a credit history since punctuality of payment in the past shows

how responsible an individual is with their money and also relates to the like hood that

they would pay back any borrowed money on time. Overdue payments provide good

credit information on people who owe money. Since Wallace's success relies on the

accuracy of its maintained credit histories, the Examiner submits that it would have

been obvious to one of ordinary skill in the art at the time of Applicant's invention to

modify Wallace to specifically track the total number of times a customer had an

overdue payment in order to more accurately score the credit of people who have a

history of not punctually paying back money. Wallace teaches displaying the summary

information (page 4, lines 3-18).

13.   Referring claim 34, Wallace teaches *obtaining payment history data from a*

member's accounting system over the Internet (page 1, lines 9-14). Wallace teaches

wherein the payment history data is associated with at least a first customer (page 8,

line 15-21, page 12, line 5-15). Wallace teaches attempting to retrieve historical

payment data associated to the first customer from a centralized data repository (page

13, line 1-30, page 5, line 1 – page 6, line 10). Wallace teaches *formatting the payment*

history file into a payment history report (page 2, lines 1-6 and page 4, lines 3-18).

Wallace teaches *storing the payment history report in the centralized data repository*

(page 3, lines 29 – page 4, line 9). Wallace however does not specifically teach

validating payment history data against a first customer. However Kaufman teaches

validating the payment history data by comparing the obtained history data to the

historical payment data associated with the first customer (col. 1, line 5 – col. 6, line 35).

Wallace teaches a consumer and commercial credit transaction database system

including a customer's history. Kaufman also teaches a credit database. It would have

been obvious to one of ordinary skill in the art at the time of the rejection to modify

Wallace to include the details of validating the payment history. Validating the payment

history allows for error detection. Error detection is a huge benefit to any company

allowing for time and cost savings.

14.   Examiner's Note: The Examiner has cited particular columns and line numbers

in the references as applied to the claims for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are

applied to the specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested from the applicant, in preparing the

responses, to fully consider the references in entirety as potentially teaching all or part

of the claimed invention, as well as the context of the passage as taught by the prior art

or disclosed by the examiner.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie H. Swartz whose telephone number is (571) 272-7363. The examiner can normally be reached on 8:00am-4:30pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jamie Swartz
October 31, 2007

PRIMARY EXAMINER